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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,454	12/30/2003	Kenneth Bradley Close	KCX-785 (19014)	2369

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EXAMINER	
TORRES VELAZQUEZ, NORCA LIZ	
ART UNIT	**PAPER NUMBER**
1771	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/748,454	CLOSE ET AL.	
	Examiner	Art Unit	
	Norca L. Torres-Velazquez	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-92* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-92* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-92 have been considered but are moot in view of the new ground(s) of rejection.

a. Previous rejection under 35 U.S.C. 102(b) over SKOOG et al. '370 has been withdrawn in view of amendment to claims which now require the meltblown fibers forming the first exterior surface of the nonwoven material or tissue product.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-8, 10, 12-14, 16, 21-24, 27-41, 43-48, 50 and 52-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over STOREY et al. (US 4,784,892) in view of SKOOG et al. (US 6,177,370 B1).

STOREY et al. teaches a non-woven material useful for disposable wipers that comprises a layer of meltblown polymeric microfibers inter-mixed with fibers of absorbent material, and at least one layer of meltblown polymeric microfibers. (Abstract) In Figure 2, the reference shows layer 18 comprised of meltblown and pulp fibers (equated by the Examiner to a coform web), outer layers 8, 20 comprised of meltblown fibers. (Refer to Col. 3, lines 22-48) The reference teaches that the surface layers give the product a good durability with low linting and the product

has the clean wiping characteristics typical of meltblown materials due to the fact that the surface layers are comprised wholly of polymeric microfibers. (Col. 2, lines 3-11) The reference teaches that the central layer could include wood pulp content of 50 to 80 percent or even more by weight. (Col. 2, lines 39-42)

STOREY et al. discloses the claimed invention except that the meltblown fibers are present in amounts of at least 15 gsm in the surface layers of the nonwoven material (refer to tables in Col. 4 and 5 which shows an example of a food service wiper), instead of less than about 8 gsm as claimed herein.

SKOOG et al. teaches a fabric useful in the construction of industrial wipes. In one of the embodiments (Figure 3), uses a first meltblown web layer 128 and a second meltblown web layer 148 to help prevent linting. (Col. 5, lines 21-42) The reference further teaches the use thermoplastic materials to include styrene polymers and copolymers, acrylics, polyethylenes, polypropylene, vinyls and nylons. (Col. 2, lines 50-56) The reference teaches that the meltblown layers 128 and 148 may have a basis weight from about 7 gsm to about 20 gsm, encompassing the claimed values. (Refer to Col. 5, lines 52-53) It is noted herein that is the Examiner's interpretation that the basis values disclosed by the reference refer to the combined layers 128 and 148. This is consistent with the references disclosure of information. (Refer to Table 3 that provides values for combined layers of the same material). It is the Examiner's position that both references use meltblown layers of synthetic materials with the purpose of providing the wipes with low linting properties therefore it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the basis weight of the outer layers to be lower since SKOOG et al. has shown that layers with basis weight as low

as about 3 gsm will also provide the low linting effect aimed by STOREY. It is further noted that the examples shown by STOREY are directed to food service wipes that would require higher strength, it is the Examiner's position that changes in the basis weight of the surface layers will correlate to the particular application for which the wipe is going to be used. It is well settled that determination of optimum values of cause effective variables such as basis weight is within the skill of one practicing the art. In re Boesch, 205 USPQ 215 (CCPA 1980).

With regards to claim 8, STOREY et al. discloses the claimed invention except that it uses polypropylene meltblown fibers instead of meltblown fibers from the materials listed in claims 8, SKOOG et al. shows that styrene polymers, polypropylene and acrylics are equivalent materials known in the art. Therefore, because these materials were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute polypropylene for acrylics or styrene polymers.

With regards to claim 16, it is the Examiner's interpretation that the reduced slough is inherent to the material taught by the prior art of record. With regards to the claimed cup crush, it is noted that such property would be inherent to the structure of the prior art of record. Reliance upon inherency is not improper even though rejection is based on Section 103 instead of Section 102. *In re Skoner, et al.* (CCPA) 186 USPQ 80

4. Claims 24, 30-31, 66, 68 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over STOREY et al. and SKOOG et al. as applied above, and further in view of RICHARDS (WO 99/13860).

RICHARDS discloses a pre-moistened wipe having a substrate impregnated with a lotion. The lotion includes a silicon based sulfoccinate, and can also include components such as

fragrance components and preservatives. (Abstract) The substrate can comprise a woven or nonwoven web formed of natural fibers, synthetic fibers, or combinations thereof. (Page 4, lines 2-3) The substrate can comprise an airlaid web of nonwoven fibers. (Page 3, lines 24-25)

It is the Examiner's position that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the wipe of STOREY et al. and provide with lotion comprising a silicone based sulfosuccinate with the motivation of producing a moistened wipe with a lotion that provides gentle yet effective cleaning, and can assist in maintaining the fragrance components in solution in the lotion as disclosed by RICHARDS (Refer to abstract).

5. Claims 9, 11, 15, 17-20, 42, 49, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over STOREY et al. and SKOOG et al. as applied above, and further in view of GARNIER et al. (US 6,861,380 B2).

STOREY et al. and SKOOG et al. are silent to having a fiber furnish and while STOREY et al. teaches using a through-air dried process is silent as to it being "un-creped".

GARNIER et al. disclose a tissue product containing a multi-layered paper web that has at last one layer formed from a blend of pulp fibers and synthetic fibers. The reference teaches that by containing at least one layer of synthetic and pulp fibers, it has been discovered that lint and slough of a tissue product formed can be substantially reduced. The synthetic fibers may have a denier of from about 0.5 to about 10. (Abstract; col. 5, lines 7-9; col. 6, lines 18-34) The reference teaches the use of pulp fibers such as softwood fibers. (Col. 4, lines 55-56) And teaches the use of polymers such as polyvinyl acetate and acrylic resins, among others, to form the synthetic fibers. (Col. 5, lines 6-15) The synthetic fibers typically constitute from about

0.1% to about 25% of the dry weight of fibrous material synthetic fibers of a given layer and from about 0.1% to about 20% of the dry weight of the entire web. (Col. 6, lines 65 through Col. 7, lines 1-8) The reference shows in Figure 5 a single ply tissue product 200 with three layers 212, 214 and 216. The outer layer 212 and/or 216 contain a blend of about 95% hardwood fibers and about 5% synthetic fibers. The inner layer 214 includes about 100% softwood fibers. (Col. 7, lines 29-45) The reference teaches the use of de-bonders such as silicone compounds. (Col. 10, lines 55 through Col. 11, lines 1-2; Col. 13, lines 24-25) The reference teaches using wet-pressing, through-air-drying, un-creped through air-drying as some of the methods to process the web. (Col. 11, lines 23-32)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the structure of STOREY et al. and SKOOG et al. and provide it a fiber furnish with the motivation of producing a material with reduced lint and slough as disclosed by GARNIER et al. (Refer to Col. 6, lines 17-34)

6. Claims 25-26 and 77-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over STOREY et al. and SKOOG et al. as applied above, and further in view of LANGE et al. (US 2002/0127937 A1) and RICHARDS (WO 99/13860).

LANGE et al. discloses a wet-wipe comprising a non-woven composite elastic material comprising a nonwoven elastic layer ; and a non-woven gatherable layer. (Abstract)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the structure with an elastic layer with the motivation of producing wipes with a softer cloth like feel as disclosed by LANGE et al. (Abstract)

RICHARDS discloses a pre-moistened wipe having a substrate impregnated with a lotion. The lotion includes a silicon based sulfoccinate, and can also include components such as fragrance components and preservatives. (Abstract) The substrate can comprise a woven or nonwoven web formed of natural fibers, synthetic fibers, or combinations thereof. (Page 4, lines 2-3) The substrate can comprise an airlaid web of nonwoven fibers. (Page 3, lines 24-25)

It is the Examiner's position that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the wipe of STOREY et al. and provide with lotion comprising a silicone based sulfosuccinate with the motivation of producing a moistened wipe with a lotion that provides gentle yet effective cleaning, and can assist in maintaining the fragrance components in solution in the lotion as disclosed by RICHARDS (Refer to abstract).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Norca L. Torres-Velazquez
Primary Examiner
Art Unit 1771

May 22, 2006